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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/913,460	08/15/2001	Tsuguo Kimura	427-47	2400

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EXAMINER

SOOHOO, TONY GLEN

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 09/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/913,460

Applicant(s)

KIMURA ET AL.

Examiner

Tony G Soohoo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-13 and 18-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Election/Restrictions***

1. Newly submitted claims 18-20 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The originally claimed invention which was acted upon was directed to a ropesizer. The newly claimed method of producing a high viscosity confectionary is an independent invention whereby:

2. Inventions of the originally claimed ropesizer and the newly claimed method of producing confectionary are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the originally claimed ropesizer may be used to produce dough product which is not a confectionary.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 18-20 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

3. This application contains claims 1-13 and 18-20 drawn to a non-elected invention. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

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***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**Note: The MPEP states  
MPEP 2114  
MANNER OF OPERATING THE DEVICE DOES NOT DIFFERENTIATE  
APPARATUS CLAIM FROM THE PRIOR ART**

A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987) (The preamble of claim 1 recited that the apparatus was "for mixing flowing developer material" and the body of the claim recited "means for mixing ..., said mixing means being stationary and completely submerged in the developer material". The claim was rejected over a reference which taught all the structural limitations of the claim for the intended use of mixing flowing developer. However, the mixer was only partially submerged in the developer material. The Board held that the amount of submersion is immaterial to the structure of the mixer and thus the claim was properly rejected.).

**MPEP 2115**

**Material or Article Worked Upon by Apparatus  
MATERIAL OR ARTICLE WORKED UPON DOES NOT LIMIT APPARATUS CLAIMS**

"Expressions relating the apparatus to contents thereof during an intended operation are of no significance in determining patentability of the apparatus claim." *Ex parte Thibault*, 164 USPQ 666, 667 (Bd. App. 1969). Furthermore, "[i]nclusion of material or article worked upon by a structure being claimed does not impart patentability to the claims." *In re Young*, 75 F.2d 966, 25 USPQ 69 (CCPA 1935) (as restated in *In re Otto*, 312 F.2d 937, 136 USPQ 458, 459 (CCPA 1963)). In *In re Young*, a claim to a machine for making concrete beams included a limitation to the concrete reinforced members made by the machine as well as the structural elements of the machine itself. The court held that the inclusion of the article formed within the body of the claim did not, without more, make the

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claim patentable. In *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967), an apparatus claim recited "[a] taping machine comprising a supporting structure, a brush attached to said supporting structure, said brush being formed with projecting bristles which terminate in free ends to collectively define a surface to which adhesive tape will detachably adhere, and means for providing relative motion between said brush and said supporting structure while said adhesive tape is adhered to said surface." An obviousness rejection was made over a reference to Kienzle which taught a machine for perforating sheets. The court upheld the rejection stating that "the references in claim 1 to adhesive tape handling do not expressly or impliedly require any particular structure in addition to that of Kienzle." The perforating device had the structure of the taping device as claimed, the difference was in the use of the device, and "the manner or method in which such machine is to be utilized is not germane to the issue of patentability of the machine itself." Note that this line of cases is limited to claims directed to machinery which works upon an article or material in its intended use. It does not apply to product claims or kit claims (i.e., claims directed to a plurality of articles grouped together as a kit).

5. Claims 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 8-009887 (JP '887 was cited as an X reference by the international search report and cited on PTO 1449).

JP '887 teaches a sheet forming unit for elongating a 1<sup>st</sup> material into a sheet;  
a delivering unit for application of a 2<sup>nd</sup> raw material so as to being in a strand form whereby the 1<sup>st</sup> raw material is elongated in sheet shape and conveyed by said sheet forming unit; and

a wrapping means for wrapping the sheet shape 1<sup>st</sup> raw material, while the sheet shape 1<sup>st</sup> raw material is being conveyed, as to wrap the 2<sup>nd</sup> raw material which is applied as a strand form, in the 1<sup>st</sup> raw material, see full text and figure 9 as noted by the search report.

6. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Pentzlin 2960045.

Pentzlin teaches a sheet forming unit 93 for elongating a 1<sup>st</sup> material into a sheet;

a delivering unit 118 for application of a 2<sup>nd</sup> raw material so as to being in a strand form whereby the 1<sup>st</sup> raw material is elongated in sheet shape and conveyed by said sheet forming unit; and

a wrapping means 98 for wrapping the sheet shape 1<sup>st</sup> raw material, while the sheet shape 1<sup>st</sup> raw material is being conveyed, as to wrap the 2<sup>nd</sup> raw material which is applied as a strand form, in the 1<sup>st</sup> raw material.

7. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Chambers et al 4275647.

Chambers teaches a baked batter sheet forming unit before being fed onto belt 15, column 10 line 22, for conveying the elongated a 1<sup>st</sup> material into a sheet;

a filling delivering unit 12 for application of a 2<sup>nd</sup> raw material so as to being in a strand form whereby the 1<sup>st</sup> raw material is elongated in sheet shape and conveyed by said sheet forming unit; and

a wrapping means as seen by the tube former 51, and 50 for wrapping the sheet shape 1<sup>st</sup> raw material, while the sheet shape 1<sup>st</sup> raw material is being conveyed, as to wrap the 2<sup>nd</sup> raw material which is applied as a strand form, in the 1<sup>st</sup> raw material.

8. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Tashiro 5290577.

Tashiro teaches a sheet forming unit 21, for elongating a 1<sup>st</sup> material into 1 a sheet 11;

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a delivering unit 4 for application of a 2<sup>nd</sup> raw material 41 so as to being in a strand form whereby the 1<sup>st</sup> raw material is elongated in sheet shape and conveyed by said sheet forming unit; and

a wrapping means 5, 51 for wrapping the sheet shape 1<sup>st</sup> raw material, while the sheet shape 1<sup>st</sup> raw material is being conveyed, as to wrap the 2<sup>nd</sup> raw material which is applied as a strand form, in the 1<sup>st</sup> raw material.

9. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated Askman et al 5660102.

Askman et al teaches a sheet forming unit 12, 16 for elongating a 1<sup>st</sup> material 13 into a sheet;

a delivering unit 20, 21 for application of a 2<sup>nd</sup> raw material so as to being in a strand form whereby the 1<sup>st</sup> raw material is elongated in sheet shape and conveyed by said sheet forming unit; and

a wrapping means 22, 24, 27, for wrapping the sheet shape 1<sup>st</sup> raw material, while the sheet shape 1<sup>st</sup> raw material is being conveyed, as to wrap the 2<sup>nd</sup> raw material which is applied as a strand form, in the 1<sup>st</sup> raw material.

10. Claim 14 is rejected under 35 U.S.C. 102(e) as being anticipated by Kobayashi 6001403

JP '887 teaches a sheet forming unit for elongating a 1<sup>st</sup> material into a sheet;

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a delivering unit for application of a 2<sup>nd</sup> raw material so as to being in a strand form whereby the 1<sup>st</sup> raw material is elongated in sheet shape and conveyed by said sheet forming unit; and

a wrapping means for wrapping the sheet shape 1<sup>st</sup> raw material, while the sheet shape 1<sup>st</sup> raw material is being conveyed, as to wrap the 2<sup>nd</sup> raw material which is applied as a strand form, in the 1<sup>st</sup> raw material, see full text and figure 9 as noted by the search report.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over:

Tashiro 5290577 in view of Knebl 4949630,

13. or alternately Askman et al 5660102 in view of Knebl 4949630,

14. or alternately Chambers et al 4275647 in view of Knebl 4949630,

15. or alternately Pentzlin 2960045 in view of Knebl 4949630,

16. or alternately Kobayashi 6001403 in view of Knebl 4949630.

Each of the references Tashiro 5290577, or alternately Askman et al 5660102



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or alternately Chambers et al 4275647, or alternately Pentzlin 2960045, or alternately Kobayashi 6001403 discloses all of the recited subject matter as defined within the scope of the claims with the exception of the addition of an elongation unit which elongates the wrapped product from a larger diameter to a smaller diameter product.

The reference to Knebl **4949630 ('630)** teaches that a form folded product with a 1<sup>st</sup> material wrapped about a 2<sup>nd</sup> material whereby it produces a larger diameter wrapped intermediate product whereby it is later additionally roller into cylindrical geometry by rollers 24 so it provides a completely enclosed product of a desired shape and size.

Also, whereas it is common and old and well known in the art of dough/plastic working devices that the cylindrical rollers may provide a means to provide a smaller shape thereby elongating the product when worked upon by the rollers, it is deemed that it would have been obvious to one of ordinary skill in the art to provide each of the references Tashiro 5290577, or alternately Askman et al 5660102, or alternately Chambers et al 4275647, or alternately Pentzlin 2960045, or alternately Kobayashi 6001403, with a roller shaper/elongation unit as taught by the Knebl **'630** reference so as to provide a completely cylindrical product of a desired size and thereby inherently elongating the intermediate product in the process.

With regards to claim 17 note that the elongation unit is provided with a conveyance passage located between the space between the rollers. Absent any distinguishing language to the particular geometric shape of the conveyance passage, and whereas the invention is not directed to a method claim, the operation of a free

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state without elongation of a stress relaxation is immaterial to the patentable distinction of the apparatus claims.

17. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over:

Tashiro 5290577 in view of Ruffinatti 4648316 and JP 1-128750 (cited on PTO 1449),

18. or alternately Askman et al 5660102 in view of Ruffinatti 4648316 and JP 1-128750 (cited on PTO 1449);

19. or alternately Chambers et al 4275647 in view of Ruffinatti 4648316 and JP 1-128750 (cited on PTO 1449);

20. or alternately Pentzlin 2960045 in view of Ruffinatti 4648316 and JP 1-128750 (cited on PTO 1449);

21. or alternately Kobayashi 6001403 in view of Ruffinatti 4648316 and JP 1-128750 (cited on PTO 1449);

Each of the references Tashiro 5290577, or alternately Askman et al 5660102 or alternately Chambers et al 4275647, or alternately Pentzlin 2960045, or alternately Kobayashi 6001403 discloses all of the recited subject matter as defined within the scope of the claims with the exception of the delivering unit comprises a plurality of cone members pointed downward and rotating in the same direction to supply a discharge strand from the bottom of the unit.

The Ruffinatti reference teaches dough working device may have a delivery unit 1, with conical rollers 16, 17 rotating in the same direction, see arrows F3, F4 in figure 3

so as to supply a continuous feed of material from the outlet of in a solid strand of material.

The JP 1-128750 (JP '750) reference teaches that a food working device may have a material delivering unit with conical rollers 42, 40 in figure 1 to feed material in a continuous strand 41 for further working by the device.

In view of each of the teachings of the Ruffinatti reference and the JP '750 reference that one may provide a food product working device with a feed device having tapered conical rollers which rotate in a direction to feed material in a continuous strand for further working of the material, it is deemed that it would have been obvious to one of ordinary skill in the art to substitute for each of the 2<sup>nd</sup> material feed delivering units of each of the references of Tashiro 5290577, or alternately Askman et al 5660102 or alternately Chambers et al 4275647, or alternately Pentzlin 2960045, or alternately Kobayashi 6001403 such that the feed of the 2<sup>nd</sup> material into the device is provided in a more efficient and continuous manner.

### ***Response to Arguments***

22. Applicant's arguments filed 7/9/2003 have been fully considered but they are not persuasive.

Applicant argues that the JP '887 is not the same as the present invention because it includes an extruder, see arguments on page 6. In response Applicant's argument that the JP '887 includes additional structure not required by Applicant's invention, it must be noted that JP '887 as modified discloses the invention as is claimed. The fact that it discloses additional structure not claimed is irrelevant.

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Applicant also alleges on page 7 of applicant's response that the claims define over the art of record whereby the prior art devices do not produce or work upon components for a high viscosity confectionary. In response, it is noted that the MPEP states:

#### MPEP 2114

##### **MANNER OF OPERATING THE DEVICE DOES NOT DIFFERENTIATE APPARATUS CLAIM FROM THE PRIOR ART**

A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. Ex parte Masham, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987) (The preamble of claim 1 recited that the apparatus was "for mixing flowing developer material" and the body of the claim recited "means for mixing ..., said mixing means being stationary and completely submerged in the developer material". The claim was rejected over a reference which taught all the structural limitations of the claim for the intended use of mixing flowing developer. However, the mixer was only partially submerged in the developer material. The Board held that the amount of submersion is immaterial to the structure of the mixer and thus the claim was properly rejected.).

#### MPEP 2115

##### **Material or Article Worked Upon by Apparatus MATERIAL OR ARTICLE WORKED UPON DOES NOT LIMIT APPARATUS CLAIMS**

"Expressions relating the apparatus to contents thereof during an intended operation are of no significance in determining patentability of the apparatus claim." Ex parte Thibault, 164 USPQ 666, 667 (Bd. App. 1969). Furthermore, "[i]nclusion of material or article worked upon by a structure being claimed does not impart patentability to the claims." In re Young, 75 F.2d 966, 25 USPQ 69 (CCPA 1935) (as restated in In re Otto, 312 F.2d 937, 136 USPQ 458, 459 (CCPA 1963)). In In re Young, a claim to a machine for making concrete beams included a limitation to the concrete reinforced members made by the machine as well as the structural elements of the machine itself. The court held that the inclusion of the article formed within the body of the claim did not, without more, make the claim patentable. In In re Casey, 370 F.2d 576, 152 USPQ 235 (CCPA 1967), an apparatus claim recited "[a] taping machine comprising a supporting structure, a brush attached to said supporting structure, said brush being formed with projecting bristles which terminate in free ends to collectively define a surface to which adhesive tape will detachably adhere, and means for providing relative motion between said brush and said supporting structure while said adhesive tape is adhered to said surface." An obviousness rejection was made over a reference to Kienzle which taught a machine for perforating sheets. The court upheld the rejection stating that "the references in claim 1 to adhesive tape handling do not expressly or impliedly require any particular structure in addition to that of Kienzle." The perforating device had the structure of the taping device as claimed, the difference was in the use of the device, and "the manner or method in which such machine is to be utilized is not germane to the issue of patentability of the machine itself." Note that this line of cases is limited to claims directed to machinery which works upon an article or material in its intended use. It does not apply to product claims or kit claims (i.e., claims directed to a plurality of articles grouped together as a kit).

Accordingly, issues to the use of the apparatus to produce or work upon components for a high viscosity confectionary does not structurally differentiate the patentable scope of the claimed invention from that of the prior art.

With regards to the claim rejections made under 35 USC 103, applicant argues that there is no obvious reason nor motivation to combine. In response to Applicant's argument that the base references to Tashiro, Askman et al, Chambers et al, Pentzlin, and Kobayashi is not used for high viscosity confectionary, thus would not be obvious to combine with the secondary references of Ruffinatti 4648316 and JP 1-128750.

It the law of anticipation requires that a distinction be made between the invention described or taught and the invention claimed. It does not require that the reference "teach" what the subject patent teaches. Assuming that a reference is properly "prior art," it is only necessary that the claims under consideration "read on" something disclosed in the reference, i.e., all limitations of the claim are found in the reference, or "fully met" by it.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, The Ruffinatti reference teaches food working device may have a delivery unit 1, with conical rollers 16, 17 rotating in the same direction so as to supply a continuous feed of material from the outlet of in a solid strand of material. The JP 1-128750 (JP '750) reference teaches that a food working device may have a material

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delivering unit with conical rollers 42, 40 in figure 1 to feed material in a continuous strand 41 for further working by the device. Both the of Ruffinatti 4648316 and JP 1-128750 are directed to issues of food feed supply in a machine. Each of the other prior art base references to Tashiro, Askman et al, Chambers et al, Pentzlin, and Kobayashi is directed to food processing.

In view of each of the teachings of the Ruffinatti reference and the JP '750 reference that one may provide a food product working device with a feed device having tapered conical rollers which rotate in a direction to feed material in a continuous strand for further working of the material, it is deemed that it would have been obvious to one of ordinary skill in the art to substitute for each of the 2<sup>nd</sup> material feed delivering units of each of the references of Tashiro 5290577, or alternately Askman et al 5660102 or alternately Chambers et al 4275647, or alternately Pentzlin 2960045, or alternately Kobayashi 6001403 for the advantage of feeding of the 2<sup>nd</sup> material into the device in a more efficient and continuous manner.

### ***Conclusion***

23. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

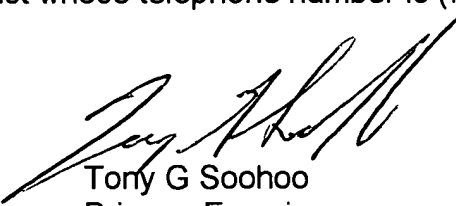
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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony G Soohoo whose telephone number is (703) 308-2882. The examiner can normally be reached on 7:00 AM - 5:00 PM, Tues. - Fri..

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

  
Tony G Soohoo  
Primary Examiner  
Art Unit 1723  
**TONY G. SOOHOO**  
**PRIMARY EXAMINER**

tgs